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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

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Director

Determination No. 8 – Municipalities Not Opted-In

December 9, 2005

Purpose

To provide a listing of municipalities not eligible to receive METRO Act funding.

Analysis

On March 14, 2003, all municipalities (cities, villages and townships) were notified by the METRO Authority that they were required to “opt-in” by May 9, 2003 if they wished to receive a first year payment (issued in late May 2003). In order to opt in, municipalities had to send the Authority as well as the providers (section 13(4)) a resolution or ordinance stating their decision to comply with the METRO Act. In addition, municipalities had to modify “. . . any fees charged to providers after November 1, 2002 relating to access to and usage of the public rights of way to an amount not exceeding the amount of fees and charges required under this Act.” Section 13(1) set the date of December 31, 2003 as the last opportunity for municipalities to become eligible to receive funds. Those municipalities that opted in between May 10, 2003 and December 31, 2003 received their 2003 payment as part of their 2004 payment.

Due to mitigating circumstances, the METRO Authority on April 7, 2004 provided 74 non-compliant municipalities one last opportunity to “opt-in” by May 15, 2004, resulting in 34 more municipalities “opting-in”.

METRO Authority Determination

Section 13(4) of the METRO Act requires that to be eligible to receive METRO Act funds, a municipality must have adopted a resolution, or ordinance, per subsection (1), approving the modifications of any fees charged to providers after the effective date of the Act relating to access to and usage of the public rights-of-way.

Despite the “expansion” of the opting-in period, 40 municipalities (*METRO Authority Municipalities Not Opted In*) failed to comply with the Act; and, therefore, have been determined not eligible to receive METRO Act funds. **NOTE:** These municipalities still must comply with the provisions of the Act.

A decision or assessment of the METRO Authority is subject to a de novo review by the Michigan Public Service Commission upon the request of an interested person pursuant to Section 17 of the METRO Act.

METRO Authority
MUNICIPALITIES NOT OPTED IN

COUNTY/MUNICIPALITY

Arenac County

City of Standish
Village of Turner
Village of Twining

Barry County

Village of Woodland

Benzie County

Village of Beulah

Berrien County

Township of Sodus
Village of Shoreham
Village of Three Oaks

Calhoun County

Village of Athens

Eaton County

Village of Mulliken

Hillsdale County

Village of Allen
Village of Camden
Village of Montgomery
Village of North Adams

Houghton County

Village of Copper City

Huron County

Pointe Aux Barques
Village of Port Hope

Iosco County

City of Tawas City

Jackson County

Village of Hanover

Lenawee County

Village of Addison
Village of Clayton
Village of Deerfield

COUNTY/MUNICIPALITY

Luce County

Village of Newberry

Macomb County

Township of Lenox

Manistee County

Village of Kaleva
~~Village of Onekama*~~

Menominee County

Village of Powers

Monroe County

Village of Luna Pier

Oakland County

Township of Novi

Ogemaw County

Village of Prescott

Presque Isle County

Village of Millersburg

Saginaw County

Village of Oakley

Sanilac County

Village of Applegate
Village of Forestville

St. Clair County

Village of Emmett

St. Joseph County

Village of Centreville

Washtenaw County

Village of Barton Hills

Wayne County

City of Ecorse

Wexford County

Village of Buckley
Village of Harrieta

*Village of Onekama had passed ordinance, but failed to file “opt in” documentation until 2006